

## **REMARKS**

### **I. INTRODUCTION**

Claims 19, 29, 38 and 44 have been amended. No new matter has been added. Claims 1-12 and 15-45 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

### **II. CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

Claims 1-12 and 15-45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pub. Appln. No. 2002/0035493 to Mozayeny et al. (hereinafter “Mozayeny”) in view of U.S. Pub. Appln. No. 2001/0047264 to Roundtree (hereinafter “Roundtree”). (See 4/29/09 Office Action, p. 3; 12/31/08 Office Action, pp. 3-19.)

Claim 1 recites, in relevant part, “accessing a profile for the customer from a profile database to determine preferences for the customer, the profile database comprising a profile database storage maintained at a customer premises, the preferences being previously obtained through at least one of the following: previous verbal communication with the customer, data message transaction with the customer, and tracking previous scheduling requests made by the customer.” The Examiner concedes that Mozayeny does not disclose accessing a customer’s preferences from a profile database. (See 12/31/08 Office Action, p. 4.) To address this deficiency, the Examiner cites Roundtree.

Roundtree discloses a database 38 storing personal data. (See Roundtree, ¶ [0022].) The personal data stored in the database 38 may include an account for each of a plurality of users having a profile and preferences for the users. (See id., ¶ [0022].) Roundtree does not explicitly state a location of the database 38. (See id., ¶¶ [0022], [0045], [0048], [0050].) However, the

database 38 is illustrated as located remotely from the requester 12. (See *id.*, Fig. 1.) Further, because Roundtree states that the database 38 stores data for a plurality of users, it is respectfully submitted one of skill in the art would conclude that the database 38 is stored at a centralized location, such as in proximity to the system server 10, rather than at a customer premises, in order to be accessible to each of the plurality of users.

Thus, the Applicants respectfully submit that Roundtree does not disclose or suggest “accessing a profile for the customer from a profile database to determine preferences for the customer, *the profile database comprising a profile database storage maintained at a customer premises*,” as recited in claim 1. Thus, Roundtree fails to cure the admitted deficiency of Mozayeny, and Mozayeny and Roundtree, alone or in combination, neither disclose nor suggest “accessing a profile for the customer from a profile database to determine preferences for the customer, *the profile database comprising a profile database storage maintained at a customer premises*,” as recited in claim 1. Accordingly, this rejection should be withdrawn. Because claims 2-12 and 15-18 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 19, as presently amended, recites, in relevant part, “accessing a profile database, the profile database comprising a profile database storage maintained at a customer premises, to search for preferences containing information omitted in the request data, the preferences being previously obtained through at least one of the following: previous verbal communication with the customer, data message transaction with the customer, and tracking previous scheduling requests made by the customer.”

The Applicants respectfully submit that Mozayeny and Roundtree, alone or in combination, neither disclose nor suggest “accessing a profile database, *the profile database comprising a profile database storage maintained at a customer premises*, to search for preferences containing information omitted in the request data,” as recited in claim 19, for the

reasons discussed above with reference to claim 1. Accordingly, this rejection should be withdrawn. Because claims 20-28 depend from, and, therefore, include all of the limitations of claim 19, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 29, as presently amended, recites, in relevant part, “a profile database containing preference data comprising information omitted in the scheduling request data, the profile database comprising a profile database storage maintained at a customer premises, the preference data being previously obtained through at least one of the following: previous verbal communication with the customer, data message transaction with the customer, and tracking previous scheduling requests made by the customer, the preference data being used to update the scheduling request data, when the scheduling request data omits the information contained in the preference data, without requiring further customer interaction.”

The Applicants respectfully submit that Mozayeny and Roundtree, alone or in combination, neither disclose nor suggest “a profile database containing preference data comprising information omitted in the scheduling request data, *the profile database comprising a profile database storage maintained at a customer premises*,” as recited in claim 29, for the reasons discussed above with reference to claim 1. Accordingly, this rejection should be withdrawn. Because claims 30-37 depend from, and, therefore, include all of the limitations of claim 29, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 38, as presently amended, recites, in relevant part, “a profile database containing preference data comprising information omitted in the request data, the profile database comprising a profile database storage maintained at a customer premises, the preference data being previously obtained through at least one of the following: previous verbal communication with the customer, data message transaction with the customer, and tracking previous scheduling

requests made by the customer, the preference data being used to update the request data, when the request data omits the information contained in the preference data, without requiring further customer interaction.”

The Applicants respectfully submit that Mozayeny and Roundtree, alone or in combination, neither disclose nor suggest “a profile database containing preference data comprising information omitted in the request data, *the profile database comprising a profile database storage maintained at a customer premises*,” as recited in claim 38, for the reasons discussed above with reference to claim 1. Accordingly, this rejection should be withdrawn. Because claims 39-43 depend from, and, therefore, include all of the limitations of claim 38, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

Claim 44, as presently amended, recites, in relevant part, “accessing a profile for the customer form a profile database to determine preferences for the customer, the profile database comprising a profile database storage maintained at a customer premises, the preferences being previously obtained through at least one of the following: previous verbal communication with the customer, data message transaction wit the customer, and tracking previous scheduling requests made by the customer.”

The Applicants respectfully submit that Mozayeny and Roundtree, alone or in combination, neither disclose nor suggest “accessing a profile for the customer form a profile database to determine preferences for the customer, *the profile database comprising a profile database storage maintained at a customer premises*,” as recited in claim 44, for the reasons discussed above with reference to claim 1. Accordingly, this rejection should be withdrawn. Because claim 45 depends from, and, therefore, includes all of the limitations of claim 44, it is respectfully submitted that this claim is also allowable for at least the foregoing reasons.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: July 29, 2009

By:   
Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel.: (212) 619-6000  
Fax: (212) 619-0276